

Memorandum



Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

Agenda Item No. 8(F)(3)

From: Carlos A. Gimenez
Mayor

A handwritten signature in cursive script, likely belonging to Carlos A. Gimenez.

Subject: Resolution Waiving Formal Bid Procedures to Modify Non-Competitive Contracts and Ratify Non-Competitive Award

Recommendation

It is recommended that the Board of County Commissioners (Board) waive competitive bidding procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter and approve the attached non-competitive contract modifications. These items are described briefly below and in more detail in the accompanying attachments.

Item 1 – Hauling and Disposal of Class B Sludge - Waives formal bid procedures to ratify an emergency contract modification for an additional \$1,500,000 to allow the Water and Sewer Department to pay for sludge disposal activities essential to public health and safety.

Item 2 – Rehabilitation of 96" Pipe Located at NW 79th Street and Poinciana Boulevard, and 72" Pipe at SW 64th Street Between 87th and 92nd Avenues - Waives formal bid procedures and ratifies an emergency contract for the purchase of required rehabilitation services for two raw water mains. The amount of the contract was \$728,300.

Item 3 – Automated Case Management Systems - Waives formal bid procedures to modify a bid waiver contract for an additional 12 months and \$600,000 for the Office of Management and Budget – Ryan White Program to pay ongoing software licensing, support and maintenance services and continued customization of Services Delivery Information System (SDIS) to meet both County and federal requirements. The item also includes two, one-year options-to-renew. If the renewal options are exercised, the cumulative value will be \$2,400,000.

Item 4 – Automated Gate System Long Term Maintenance and Additional Equipment - Waives formal bid procedures to modify a bid waiver contract for an additional \$158,000 to allow the Seaport Department to pay for the final maintenance and support payment due under this contract.

Scope

The impact of the items in the attached Bid Waiver Package are countywide in nature.

Fiscal Impact/Funding Source

The allocation and funding source for the departments are listed in the attached Bid Waiver Package.

The contract amounts and departmental allocations represent the maximum spending authority based on past utilization. This action does not guarantee that the total contract amount/value will be expended by the department. Funding will be expended only if the department's budget can support the expenditures approved in its annual budget adopted by the Board.

Track Record/Monitor

There are no known performance/compliance issues with the vendors recommended for award in the attached Bid Waiver Package. The departments' contract manager is reflected in the agenda item.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to extend the contracts for purchase of goods and services in accordance with the terms and conditions of the contracts listed in the attached Bid Waiver Package.

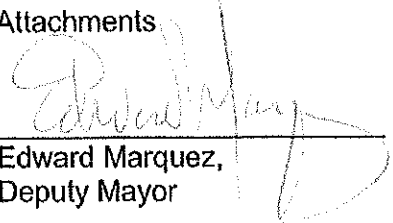
Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Background

Additional information on each item is attached.

Attachments



Edward Marquez,
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 4, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(F)(3)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☒ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(3)
12-4-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE MODIFICATION OF NONCOMPETITIVE CONTRACTS AND PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER

WHEREAS, the County Mayor recommends to this Board to waive formal bid procedures for the purchase of goods and services which cannot be purchased under normal bid procedures,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board waives formal bid procedures for the modification of noncompetitive contracts and purchase of goods and services, authorizes the County Mayor or County Mayor's designee to exercise options-to-renew established thereunder, pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-thirds (2/3s) vote of the Board members present.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez

Item 1

Contract No.: 7122-2/13-1	Title: Hauling and Disposal of Class B Sludge
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Type of Non-competitive Action: ☐ Bid Waiver ☐ Sole Source ☐ Emergency Award
☒ Retroactive Modification of Competitive Contract (Additional Funds Only)

Justification:

The Water and Sewer Department (WASD) requested an emergency contract modification on October 3, 2012 for \$1,500,000 to procure additional hauling and disposal services of Class B Sewage Sludge. The County is required to legally dispose of over 100,000 tons of sludge on a yearly basis by either land applied or landfill disposition methods in accordance with Chapter 62-640 of the Florida Administrative Code. Land applied is the preferred contractual method of legal disposition because it is environmentally sound and is cheaper than other legal methods. Since the start of the South Florida rainy season in May 2012, the region has recorded rainfall amounts in excess of 29 inches above normal, or 150 percent above what is considered average. Since many of the preferred land applied sites are inland orange groves, the flooded sites became completely unavailable for any disposition of Class B Sludge. Additionally, the exponential additional rainfall to the region made the available Class B Sludge heavier due to excess water, which substantially increased the normal projected amount of tonnage for hauling and legal disposition.

The factors of increased amount of hauling tonnage and the necessity of a more costly landfill method of disposition generated the need for an increase to the department contract funding authority. Landfill disposition costs between 32 to 37 percent more per ton than the preferred method of land application. As a result, it was necessary for WASD to declare an emergency to continue the required sludge disposal activities. Further, disruption of the disposal process would create an untenable position due to limited storage, capacity, public health concerns, and the malodorous nature of the sludge product. Board approval to ratify this emergency purchase that occurred during the option-to-renew period that ended October 31, 2012 is requested.

Original Contract Term Length: 12 months		Modified Term Length: N/A	
November 1, 2011	October 31, 2012	N/A	N/A

Departments, Allocations, and Additional Funds Requested

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
Water and Sewer	\$5,774,000	\$1,500,000	\$7,274,000	Proprietary Funds	Gregory Hicks
TOTAL	\$5,774,000	\$1,500,000	\$7,274,000		

Contract Measures: ☒ Small Business Enterprise ☐ Set-Aside ☒ Bid Preference
☐ Selection Factor ☐ Other

Local Preference Ordinance: ☒ Applies ☐ Does not apply

Living Wage Ordinance: ☐ Applies ☒ Does not apply

User Access Program: ☒ Applies where permitted by funding source ☐ Does not apply

Procurement Contracting Officer: Maria Hevia

Vendor(s)	Local Address	Principal
Waste Management Inc. of Florida	1001 Fannin, Suite 4000, Houston, TX	James E Trevathan, Jr.
H & H Liquid Sludge Disposal, Inc.	6990 US HWY 27, Branford, FL	Rick D. Hacht
Synagro South, LLC	1800 Bering Drive, Suite 1000, Houston, TX	Alvin L. Thomas

Item 2

Contract No.: E9687-WS	Title: Rehabilitation of 96" Pipe Located at NW 79 Street and Poinciana Boulevard, and 72" Pipe at SW 64 Street Between SW 87 and 92 Avenues
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Type of Non-competitive Action: ☐ Bid Waiver ☐ Sole Source ☒ Emergency Award

Justification:

The Water and Sewer Department (WASD) issued emergency purchase orders between July 7, 2011 and August 1, 2011 to rehabilitate eight lengths of Pre-stressed Concrete Cylinder Pipe (PCCP) that were deemed at extremely high risk of imminent and catastrophic rupture and failure. Four of the eight lengths reinforced were on a 96" PCCP raw water main pipe located in the area of NW 79 Street and Poinciana Boulevard, and the other four lengths reinforced were on a 72" raw water main located at SW 64 Street between SW 87 and 92 Avenues. These pipes were rehabilitated by Fibrwrap Construction Services, Inc. using the Tyfo Fibrwrap Pipe Rehabilitation System. The system is a Fiber Reinforced Polymer (FRP) based trenchless technology method for repairing, strengthening and retrofitting large-diameter PCCP. This innovative approach offers significant advantages over traditional pipe replacement and slip-lining methods, including: avoiding road and surface destruction, allowing emergency repairs to be completed in minimal time (often 48 to 72 hours), and maintaining internal diameter loss to approximately 1/4" thickness.

It was in the best interest of the County to take this emergency action to prevent a potential catastrophic rupture or failure of the water distribution system. As such, it requested that the Board ratify this emergency contract award. It is important to note that this emergency was declared prior to the establishment of the Miscellaneous Construction Contract Program's emergency sub-pool contract, which is now often used for these types of repairs.

Original Contract Term Length:		Modified Term Length: N/A
July 7, 2011	August 1, 2011	

Department	Emergency Contract Value	Funding Source	Contract Manager
Water and Sewer	\$728,300	Proprietary Funds	Gregory Hicks
TOTAL	\$728,300		

Contract Measures: ☐ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference
☐ Selection Factor ☒ Other No Measure – Emergency Award

Local Preference Ordinance: ☐ Applies ☒ Does not apply

Living Wage Ordinance: ☐ Applies ☒ Does not apply

User Access Program: ☒ Applies where permitted by funding source ☐ Does not apply

Procurement Contracting Officer: Maggie Reynaldos

Vendor(s)	Local Address	Principal
Fibrwrap Construction SE LLC	514 Moreland Avenue, Atlanta, GA	Fyfe Group LLC

Item 3

Contract No.: BW8166-5/13-5	Title: Automated Case Management Systems (ACMS)
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Type of Change:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Additional Time | <input type="checkbox"/> Authorization to use Charter County |
| <input checked="" type="checkbox"/> Additional Spending Authority | Transportation Surtax Funds as a Component of |
| | MDT Operating Funds |

Contract Description and Reason for Change:

Due to the high incidence of HIV/AIDS cases, Miami-Dade County has received approximately \$24.866 million in grant funds in 2012 pursuant to Part A and Minority AIDS Initiative, HIV Emergency Relief Grant under the Ryan White Treatment Extension Act of 2009 (Ryan White Act). These funds are awarded to relieve the overwhelming burden of the HIV epidemic and the continued need for services by low-income persons living with HIV/AIDS in Miami-Dade County. As required by the Ryan White Act, the Board of County Commissioners created and established the Miami-Dade HIV/AIDS Partnership in 1992 to determine the needs and service priorities in our community, and to allocate such funds to service priority areas. Under federal law, the County must award contracts in accordance with the priorities and total allocation amounts set by the Miami-Dade HIV/AIDS Partnership. This Countywide program is maintained by the Office of Management and Budget (OMB).

The current contract provides OMB with ongoing software maintenance and support services of the Services Delivery Information System (SDIS) that was implemented in 1998. The contract is in its final term and is being requested to be extended. The additional time and spending authority requested will allow OMB to pay for ongoing software licensing, support and maintenance services, and continued customization of SDIS in order meet both County and federal requirements. SDIS is used by funded agencies and County staff to generate client demographic and service utilization data needed to prepare monthly invoices, as well as quarterly and annual progress reports required by the federal government. Due to federal requirements, all grant funds must be spent prior to the end of the grant budget period. The number of database "read and write" transactions (such as queries, saves, data entries, etc.) processed by the local SDIS on a daily basis is in excess of 1.5 million. More than 300 active users access the system every day at 27 provider sites via a Virtual Private Network over the internet; which recently transitioned to a Cloud server structure for enhanced performance.

Because the SDIS serves as the primary tool for coordination and exchange of information across the local Ryan White Program's system of care, this system is critical to the daily operations of funded service programs and providers, which include community based organizations, a local university, community health centers, many not-for-profit organizations, and to the County's programmatic and fiscal administration of the Ryan White Program. Continuation of the County's contractual relationship with ACMS, Inc. is needed in order to further develop and implement required system enhancements, including further customization of the reporting module to enable service providers and the County to meet new federally-mandated reporting, monitoring, and quality management requirements. Additionally, two other major legislative matters may significantly affect future funding that could affect the County's ability to attract future bidders for these funds. First, the Ryan White Act ends September 30, 2013 and efforts to re-authorize the legislation are underway. However, allowable fundable services may be affected. Second, the Patient Protection and Affordable Care Act (ACA) which may go into full effect on January 1, 2014 may significantly limit the Ryan White Act, in whatever form, to reimburse providers for ambulatory/outpatient medical care, prescription drugs, health insurance programs, and/or other services. Given these uncertainties regarding the program requirements, County administrative procedures and requirements for the service provider will need to be amended to adhere to the new federal regulations. Until the program requirements are redefined, there is no way to solicit this contract under full and open competition. Negotiations with the vendor have yielded an annual fixed rate throughout the extension and additional options-to-renew. It is therefore recommended that this modification for additional time and spending authority be approved in the best interest of the County to allow for continuity of care for persons living with HIV/AIDS, maintain coordination across funded providers of Ryan White Program services, and continue the effective administration of these grant funds and compliance with federal data collection and reporting requirements.

Current Term Length:		Additional Time Requested:
1 year		one year with 2 one-year options-to-renew
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
March 1, 2012	February 28, 2013	February 28, 2014 If both OTRs are exercised, the expiration date would be February 28, 2016

Departments, Allocations, and Additional Funds Requested

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
Office of Management and Budget	\$600,000	\$600,000	\$1,200,000	Federal Grant	Theresa Fiaño / Carla Valle-Schwenk
TOTAL	\$600,000	\$600,000	\$1,200,000*		

*If the County exercises these two OTRs, the cumulative value will be \$2,400,000.

Contract Measures: <input type="checkbox"/> Small Business Enterprise <input type="checkbox"/> Set-Aside <input type="checkbox"/> Bid Preference <input type="checkbox"/> Selection Factor <input checked="" type="checkbox"/> Other <u>No Measure – Bid Waiver</u>	
Local Preference Ordinance: <input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply	
Living Wage Ordinance: <input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply	
User Access Program: <input type="checkbox"/> Applies where permitted by funding source <input checked="" type="checkbox"/> Does not apply	
Procurement Contracting Officer: Kimberly Craig	

Vendor(s)	Local Address	Principal
Automated Case Management Systems, Inc.	4770 Biscayne Blvd., Suite 850, Miami, FL	Andrae Corrigan

Item 4

Contract No.: SS8296-5/18	Title: SAIC Automated Gate System Long Term Maintenance and Additional Equipment
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Type of Change:	
<input type="checkbox"/> Additional Time	<input type="checkbox"/> Authorization to use Charter County
<input checked="" type="checkbox"/> Additional Spending Authority	Transportation Surtax Funds as a Component of
	MDT Operating Funds

Contract Description and Reason for Change:

The Automated Cargo Gate Vehicle Processing System (System) is used to control the flow of traffic, and for the processing of cars and trucks in and out of the cargo terminal facilities and other restricted areas within the Port of Miami. In 2002, the Miami-Dade Seaport (Seaport) purchased the System from Science Applications International Corporation (SAIC) to expedite the processing of cars and trucks in restricted cargo areas. In 2008, the current contract was established for required on-site support and preventive maintenance services for the System hardware and software.

The System is heavily used, and it is essential for Seaport to have and maintain adequate maintenance coverage at all times. Additional funding is required to reimburse allocation funding under this contract. Funds were utilized by the Seaport to purchase the source code to the application software from SAIC. Although the purchase of the source code was intended to be paid using grant funds, the purchase did not occur prior to the expiration of the grant. The current allocation remaining under the contract is insufficient to cover the remaining payments. The allocation requested is required by the Seaport to pay for the final maintenance and support payment due under this Agreement.

Current Term Length:		Additional Time Requested:
60 months		N/A
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
May 1, 2008	April 30, 2013	N/A

Departments, Allocations, and Additional Funds Requested

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
Seaport	\$1,326,000	\$158,000	\$1,484,000	Proprietary Revenue	Phillip Rose
TOTAL	\$1,326,000	\$158,000	\$1,484,000		

Contract Measures:	<input type="checkbox"/> Small Business Enterprise	<input type="checkbox"/> Set-Aside	<input type="checkbox"/> Bid Preference
	<input type="checkbox"/> Selection Factor	<input checked="" type="checkbox"/> Other <u>No Measure – Sole Source</u>	
Local Preference Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply		
Living Wage Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply		
User Access Program:	<input checked="" type="checkbox"/> Applies where permitted by funding source <input type="checkbox"/> Does not apply		
Procurement Contracting Officer:	Kimberly Craig		

Vendor(s)	Local Address	Principal
Science Applications International Corp. (SAIC)	2301 Lucien Way, Suite 120, Maitland, FL	John P Jumper